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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/486,723	05/18/2000	MICHAEL LAMLA	JEK/LAMLA	2431

7590 12/23/2003

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EXAMINER

AKPATI, ODAICHE T

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 12/23/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)	
09/486,723	LAMLA ET AL.	
Examiner	Art Unit	
Tracey Akpati	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☒ Claim(s) 1-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/18/2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/486,723.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Drawings

The drawings are objected to because the figures 1-6 are not adequately labeled. Please provide a more detailed labeling of the drawings attached. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 1-14 are objected to because of the following informalities: The figure numbers and/or letters are contained within the claim language. The claim language should be devoid of any figure numbers or reference letters. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikefuji et al (6654466 B1) in view of Johnston (6373946 B1).

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With respect to Claim 1, Ikefuji et al meets the limitation:

“providing a first transmission channel (A) for transmitting signals between the data carrier (1) and the external device (2)” on column 1, lines 23-28; and

“providing a second transmission channel (B) logically separated from the first transmission channel (A), the separation of the first and second transmission channels being so designed that data transmission via one transmission channel does not interfere with data transmission via the other transmission channel does not interfere with data transmission via the other transmission channel and the second transmission channel (B) is activable during the total time period between activation and deactivation of the data carrier (1)” in Claim 10 on column 21.

Ikefuji et al does not disclose any authenticity testing. This is however disclosed by Johnston as discussed below.

Johnston meets the limitations of:

“having the data carrier (1) generate a signal required for authenticity testing” on column 14, lines 59-66;and

“transmitting the signal for authenticity testing from the data carrier (1) to the external device (2) or a signal required for generating the signal for authenticity testing from the external device (2) to the data carrier (1) at least partly via the second transmission channel” on column 14, lines 44-48; and

“having the external device (2) receive the signal for authenticity testing, and deciding on the basis of the received signal whether the data carrier (1) is authentic” on column 15, lines 1-15.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Johnston within the system of Ikefuji et al because authenticity testing is necessary to verify the data carrier so as to prevent an illegal or unauthorized data carrier from being made use of. Hence, this enhances the overall security and integrity of the system.

With respect to Claim 2, Ikefuji et al meets the limitation “characterized in that the second transmission channel (B) is provided by modulating the signal of the first transmission channel” on column 1, lines 33-36.

With respect to Claim 3, Ikefuji et al meets the limitation “characterized in that modulation does not impair an ISO compatibility of data exchange between the data carrier (1) and the external device (2) existing for the first transmission channel (A)” on column 6, lines 16-19.

With respect to Claim 4, Ikefuji et al meets the limitation “characterized in that modulation is performed in areas of the signal pattern which are not evaluated according to the ISO standard” on column 1, lines 33-36.

With respect to Claim 5, Ikefuji et al meets the limitation “characterized in that the changes caused by modulation in the signal of the first transmission channel (A) are within the range of variation of the signal level permitted by the ISO standard” on column 6, lines 16-19.

With respect to Claim 6, Ikefuji et al meets the limitation “characterized in that modulation and demodulation of the signal are performed in the data carrier (1) and in the external device (2) with the aid of a mixing/demixing device (7,8) in each case” on column 1, lines 33-41.

With respect to Claim 7, Ikefuji et al meets the limitation “characterized in that the first transmission channel (A) is a line for transmitting standard data or a line for transmitting the clock signal or a line for the supply voltage” on column 4, lines 58-66.

With respect to Claim 8, Ikefuji et al meets the limitation:

“providing a first transmission channel (A) for transmitting signals between the data carrier (1) and the external device (2)” on column 1, lines 23-28; and

“providing a second transmission channel (B) physically separated from the first transmission channel (A) and comprising at least one line or contactless transmission path not provided according to the ISO standard, the second transmission channel (B) being activable during the total time period between activation and deactivation of the data carrier (1)” in Claim 10 on column 21.

Ikefuji et al does not disclose any form of authenticity checking. Johnston however discloses this as discussed below.

Johnston meets the limitation of:

“having the data carrier (1) generate a signal required for authenticity testing” on column 14, lines 59-66; and

“transmitting the signal for authenticity testing from the data carrier (1) to the external device (2) or a signal required for generating said signal from the external device (2) to the data carrier (1) at least partly via the second transmission channel (B)” on column 14, lines 44-48; and

“having the external device (2) receive the signal for authenticity testing, and deciding on the basis of the received signal whether the data carrier (1) is authentic” on column 15, lines 1-15.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Johnston within the system of Ikefuji et al because authenticity testing is necessary to verify the data carrier so as to prevent an illegal or unauthorized data carrier from being made use of. Hence, this enhances the overall security and integrity of the system.

With respect to Claim 9, Ikefuji et al meets the limitation “characterized in that the contactless transmission path is realized by transmitting the data as electromagnetic, electrostatic, magnetic, acoustic or optical signals” on column 5, lines 19-22.

With respect to Claim 10, Ikefuji et al meets the limitation “characterized in that a mixture of wavelengths is used for transmission via the contactless transmission path” on column 21, Claim 10.

With respect to Claim 11, Ikefuji et al meets all the limitation except that of the decision of authenticity of the data carrier.

Johnston meets the limitation “characterized in that the decision on authenticity of the data carrier (1) is contingent on whether data exchange is possible between the devices (3,4) to which the first and second transmission channels are coupled in the data carrier (1)” on column 15, lines 1-17.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Johnston within the system of Ikefuji et al because the decision on authenticity is necessary to verify the data carrier so as to prevent an illegal or unauthorized data carrier from being made use of. Hence, this enhances the overall security and integrity of the system.

With respect to Claim 12, Ikefuji et al meets the limitation of:

“the data carrier (1) has a first device (3) for generating signals for data exchange between the data carrier (1) and the external device (2), and the first device (3) is adapted to be coupled to a first transmission channel (A)” on column 1, lines 25-32; and
“data exchange with the second device (4) does not interfere with data exchange with the first device (3) and the second device (4) is ready for generating signals for authenticity testing of the data carrier during the total time period between activation and deactivation of the data carrier (1)” on column 21, Claim 10.

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Ikefuji et al however does not disclose the separation of the transmission channels and authenticity testing of the data carrier. This is however disclosed by Johnston as discussed below.

Johnston discloses the limitation of:

“the data carrier (1) has a second device (4) for generating signals required for authenticity testing of the data carrier (1), and the second device (4) is adapted to be coupled to a second transmission channel (B) and connected with the first device (3)” on column 14, lines 52-62; and

“the first and second transmission channels are separated logically or physically” on column 7, lines 9-13.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Johnston within the system of Ikefuji et al because physical/logical separation of the transmission channel prevents interference of the data and authentication signals being sent or received at the data carrier. This is useful in technologies whereby varying the frequency of such signals being sent to the same host can assist in multiple signals being able to be sent to the same host at the same time. This leads to a more efficient use of the transmission channel.

Therefore it would be obvious to employ the teachings of Johnston within the system of Ikefuji et al to achieve the claimed invention.

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With respect to Claim 13, the limitation “characterized in that the first device (3) and the second device (4) are each coupled to the transmission channels (A,B) via a mixing/demixing module (7)” is met by Ikefuji on column 1, lines 33-41.

With respect to Claim 14, Ikefuji et al meets the limitations:

“a data carrier (1) with a first device (3) for generating signals for data exchange with the external device (2) and a second device (4) for generating and/or processing signals for authenticity testing” on column 4, lines 58-62; and

“a first transmission channel (A) for transmitting signals between the first device (3) of the data carrier (1) and the first device (5) of the external device (2)” on column 4, lines 63-66; and

“a second transmission channel (B) for transmitting signals between the second device (4) of the data carrier (1) and the second device (6) of the external device (2), the first and second transmission channels (A, B) being separated logically or physically and the separation of the first and second transmission channels (A, B) being so designed that data transmission via one transmission channel does not interfere with data transmission via the other transmission channel, and the second transmission channel (B) being activable during the total time period between activation and deactivation of the data carrier (1)” on column 21, Claim 10.

Ikefuji et al however does not disclose any authenticity testing. This is however disclosed by Johnston as disclosed below.

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The limitation "an external device (2) with a first device (5) for generating signals for data exchange with the data carrier (1) and a second device (6) for generating and/or processing signals for authenticity testing" is met by Johnston on column 14, lines 44-52.

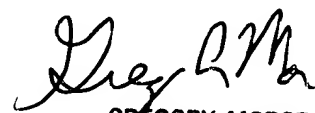
It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Johnston within the system of Ikefuji et al because authenticity testing is necessary to verify the data carrier so as to prevent an illegal or unauthorized data carrier from being made use of. Hence, this enhances the overall security and integrity of the system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tracey Akpati whose telephone number is 703-305-7820. The examiner can normally be reached on 8.30am-6.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7240 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

OTA
December 14, 2003


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